

**REMARKS:**

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1-3 and 5-22 are pending in the present application. Claim 4 is cancelled without prejudice, claims 1, 5-7, 9 and 15-21 are amended and new claim 22 is added by the present amendment.

**I. REJECTION UNDER 35 U.S.C. § 102**

Claims 1-3, 6-8 and 15-21 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,319,542 to King, Jr. et al. (herein "King"). This rejection is respectfully traversed.

Amended independent claim 1 includes similar features to cancelled claim 4, and recites "judging whether a customer who has accessed a commodity selling system via the network is a constituent member of a particular group based on an address accessed by the customer," in which "a plurality of addresses for access by a plurality of customers are provided," support for which is found in the originally filed specification at least at page 5, lines 20-25. Independent claims 6-7, 9, 15-17 and 19-21 are amended to include similar features.

As an advantage, it is possible to differentiate prices presented to customers who are members of a certain group and those presented to customers who are not members of the group based on the address used by the customer to access a commodity selling system. Once a customer is informed of the address provided to him or her, the customer can use any terminal to access the commodity sales system and receive the benefits associated with the address provided to him or her.

In contrast, King only discusses a public catalog stored on a publicly available database, and a private catalog resident on a customer's computer system (see the Abstract of King). King does not discuss or suggest providing "a plurality of addresses for access by a plurality of customers" nor does King discuss or suggest "judging whether a customer who has accessed a commodity selling system via the network is a constitute member of a particular group based on an address accessed by the customer," as in amended independent claims 1, 6-7, 9, 15-17 and 19-21.

Further, U.S. Patent No. 6,330,543 B1 to Kepecs at col. 9, lines 35-63 only discusses an "address" which is a mailing address of a customer. Therefore, the "address" of Kepecs is different from claim 1, which recites "judging . . . based on an address accessed by the customer," because Kepecs does not discuss or suggest using an address to access a commodity selling system.

Accordingly, it is respectfully submitted independent claims 1, 6-9, 15-17 and 19-21 and each of the claims depending therefrom patentably distinguish over King and Kepecs.

## **II. REJECTIONS UNDER 35 U.S.C. § 103**

Claims 4 and 5 were rejected under 35 U.S.C. § 103(a) as unpatentable over King and Kepecs. This rejection is respectfully traversed.

Claim 4 is incorporated into claim 1, which as discussed is believed to patentably distinguish over King and Kepecs. Further, claim 5 is rewritten in independent form and is amended to recite "judging whether the customer is a constituent member of the particular group based upon a network route used by the customer to gain access," support for which is found in the originally filed specification at least at page 14, lines 3-16.

As discussed, King only discusses a system including a public catalog and a private catalog, and Kepecs only discusses an "address" which is a mailing address of a customer. However, King and Kepecs do not discuss or suggest "judging . . . based upon a network route used by the customer to gain access," as in amended independent claim 5.

Accordingly, it is respectfully submitted independent claim 5 also patentably distinguishes over King and Kepecs.

Claims 9-14 were rejected under 35 U.S.C. § 103(a) over King and Kepecs. This rejection is respectfully traversed.

Claim 9 is amended to include similar features as claim 1, which as discussed is believed to patentably distinguish over King and Kepecs. Accordingly, it is respectfully submitted independent claim 9 and claims 10-14 which depend on claim 9 also patentably distinguish over King and Kepecs.

### **III. AMENDMENTS TO CLAIMS 5 AND 18 AND NEW CLAIM 22**

In addition, claim 5 is amended to correct a minor informality and claim 18 is amended to depend on claim 9. Further, new claim 22 is added which is similar to claim 18, but is written to depend on claim 15. It is believed no new matter is added.

### **IV. AMENDMENTS TO THE SPECIFICATION AND DRAWINGS**

The specification and Figs. 4B and 12 are amended only to correct minor informalities. It is believed no new matter is added.

### **V. STATUS OF THE DRAWINGS**

It is respectfully requested the status and acceptance of the drawings filed March 21, 2001, as currently amended, be acknowledged in the next Office Communication.

### **VI. CONCLUSION**


Consequently, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: June 1, 2004

By:   
Ryan Rafferty  
Registration No. 55,556

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501



COMMODITY	ORDINARY PRICE	EMPLOYEE PRICE
PERSONAL COMPUTER A	254,800	229,320
PERSONAL COMPUTER B	229,800	206,820
PERSONAL COMPUTER C	85,800	(NOT SET)

FIG. 4 A

COMMODITY	<del>ORDINARY</del> ORDINARY PRICE	EMPLOYEE PRICE FOR EMPLOYEES OF COMPANY A	EMPLOYEE PRICE FOR EMPLOYEES OF COMPANY B
PERSONAL COMPUTER A	254,800	229,320	225,000
PERSONAL COMPUTER B	229,800	206,820	(NOT SET)
PERSONAL COMPUTER C	85,800	(NOT SET)	79,000

FIG. 4 B

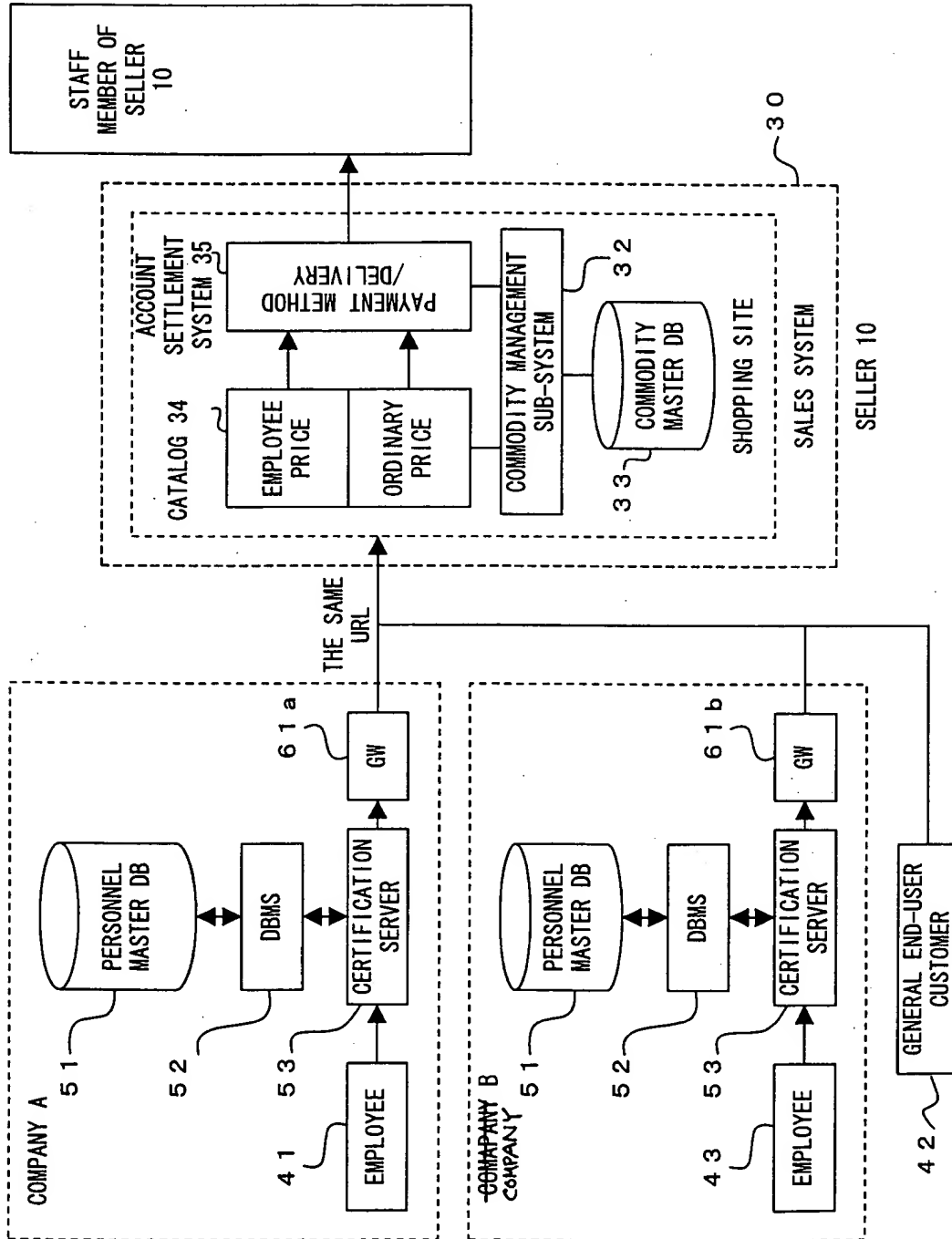
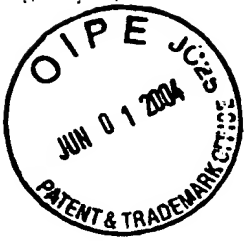


FIG. 12